

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ALVA R. BOYER,

Plaintiff,

v.

**FAYETTE COUNTY CHILD
SUPPORT AGENCY,**

Defendant.

Case No. 2:24-cv-3816

Judge Edmund A. Sargus, Jr.

Magistrate Judge Chelsey M. Vascura

ORDER

This matter is before the Court on the Report and Recommendation issued by the Magistrate Judge on January 22, 2025. (R&R, ECF No. 7.) Plaintiff filed her Complaint against Defendant Fayette County Child Support Agency on August 5, 2024. (ECF No. 1.) At that time, she also filed a *pro se* “Motion for Return 2020 Tax Refund Indentic[al] Triplets Tax Credit/Redact Added \$11,000 to \$23,000 Child Support Debt.” (ECF No. 3.)

On December 13, 2024, four months later, the Court ordered Plaintiff to show cause why the Court should not dismiss her claims without prejudice for failure to effect service and why the Court should allow an extension of time to effect service. (ECF No. 4.) Plaintiff responded to the show cause order, but her response did not include sufficient evidence of service of process. (ECF No. 5.) On December 26, 2024, the Court ordered Plaintiff to submit a completed Proof of Service Form AO 440 within 14 days. (ECF No. 6.) The Court warned Plaintiff that her failure to perfect service over Defendant would result in her claims being dismissed without prejudice under Rule 4(m) of the Federal Rules of Civil Procedure. (*Id.*)

To date, Plaintiff has not submitted the form and has not made proof of service to the Court as required by Federal Rule of Civil Procedure 4(l). (R&R, PageID 15.) Therefore, the Court

recommended that Plaintiff's claims against Defendant be dismissed without prejudice for failure to timely effect service under Rule 4(m). (*Id.*)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to file written objections to a magistrate judge's report and recommendation waives a de novo determination by the district court of any issues addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Plaintiff was advised of her right to object to the R&R and of the consequences of failing to do so (R&R, PageID 16), but she did not file a timely objection. Accordingly, Plaintiff waived a de novo review of the R&R.

The Court has reviewed the R&R, agrees with the recommendations stated therein, and **ADOPTS** and **AFFIRMS** the R&R. (ECF No. 7.) Plaintiff's claims against Fayette County Child Support Agency are **DISMISSED WITHOUT PREJUDICE** for failure to timely effect service of process. *See* Fed R. Civ. P. 4(m). Accordingly, Plaintiff's Motion (ECF No. 3) is **DENIED as MOOT**.

The Clerk is directed to enter judgment and close this case.

IT IS SO ORDERED.

2/24/2025
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE